

Appln. No. 09/160,604
Amendment dated March 16, 2004
Reply to Office Action of December 18, 2003

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The December 18, 2003 Office Action and the Examiner's comments have been carefully considered. In response, the specification and claims are amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

Inasmuch as the present Amendment raises no new issues for consideration, and, in any event, places the present application in condition for allowance or in better condition for consideration on appeal, its entry under the provisions of 37 CFR 1.116 are respectfully requested.

SPECIFICATION

Page 15 of the specification is amended to correct an inadvertent typographical error which Applicant recently discovered. Specifically, "FIG. 24" has been changed to --FIG. 2A--. No new matter is added and entry of the amendment is respectfully requested.

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PRIOR ART REJECTIONS

In the Office Action, claims 1 and 16 are rejected under 35 USC 103 as being anticipated by USP 5,563,658 (Parulski et al.) in view of USP 6,088,060 (Suda et al.). Claims 18 and 19 are rejected under 35 USC 103 as being unpatentable over Parulski et al. in view of Suda et al., and further in view of USP 5,694,168 (Toji).

In response, claim 1 is amended to more clearly define the present claimed invention over the cited references.

The present claimed invention as defined by amended claim 1 is directed to an auto-focusing apparatus including an image pickup section, a focusing section, an operation section and a control section for preferentially selecting the high speed mode depending on the an image signal from the predetermined portion of the imaging plane, first after a start of the release option, and for selecting the ordinary mode depending on an image section from the entirety of the imaging plane, when the control section determines to fail to allow the focusing in the high speed mode. As stated above, in rejecting claim 1 the Examiner relies on Parulski et al. in view of Suda et al. In the Office Action the Examiner contends that the disclosure of Parulski et al. and Suda et al. taken in combination teach the control section recited in claim 1.

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As indicated above, in response to the rejection of claim 1 is amended to more clearly define the control section over the cited references. The amendment of claim 1 is supported by the application as originally filed (see, for example, page 15, lines 1-20 and page 29, lines 17-21).

Claim 1 is patentable over Parulski et al. in that the claimed invention requires a control section for preferentially selecting the high speed mode depending on an image signal from the predetermined portion of the imaging plane, first after a start of the release operation and for selecting the ordinary mode depending on a image signal from the entirety of the imaging plane, when the control section determines to fail to allow the focusing in the high speed mode.

Parulski et al. disclose an image sensor which is operated first in a "fast flash" mode to focus a lens, and then in a normal readout mode to obtain a final still image. Parulski et al. do not, however, disclose, teach or suggest the features now recited in amended claim 1.

Suda et al. do not close the gap between the present claimed invention as defined by amended claim 1 and Parulski et al. Suda et al. disclose an autofocusing device which determines a size of a focus detecting area based on a given computation result and detecting a focus based on a signal of the determined focus area.

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Thus, the time interval (release time lag) from the start of the release operation to an actual image pickup operation increases. Suda et al. do not, however, disclose, teach or suggest the limitations set forth in amended claim 1.

None of the other references of record close the gap between the present claimed invention as defined by amended claim 1 and Parulski et al., taken either alone or in combination with Suda et al.

In view of the foregoing, claim 1 is patentable over the cited references under 35 USC 102 as well as 35 USC 103.

Claims 16, 18 and 19 are dependent on claim 1 and are patentable over the cited references in view of their dependence on claim 1 and because the references do not disclose, teach or suggest each of the limitations set forth in claims 16, 18 and 19.

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Entry of this Amendment under the provisions of 37 CFR 1.116, allowance of the claims and the passing of this application to issue are respectfully solicited.

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If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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